

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.  
Tomas Hailemariam

Case No. 2:22-mj-315

*Defendant*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 12/29/2021 in the county of Licking in the Southern District of Ohio, the defendant violated the U. S. C. § \_\_\_\_\_, an offense described as follows:

21 U.S.C. 841(a)(1), Possession with Intent to Distribute a Controlled Substance;

18 U.S.C. §§ 922(g)(1) and 924(a)(2), Possession of Firearms by a Convicted Felon; and

18 U.S.C. § 924(c), Possessing a Firearm in Furtherance of a Drug Trafficking Crime

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

*Tisha Hartsough*  
Complainant's signature

Tisha Hartsough, FBI  
Printed name and title

Sworn to before me and signed in my presence.

Date: May 9, 2022

City and state: Columbus, Ohio

*Kimberly A. Johnson*  
Kimberly A. Johnson  
United States Magistrate Judge



**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AGAINST:**

**TOMAS HAILEMARIAM**

I, Tisha M. Hartsough, a Special Agent with the Federal Bureau of Investigation, hereinafter referred to as the affiant, being duly sworn, depose as follows:

**INTRODUCTION**

1. I have been employed by the Federal Bureau of Investigation for approximately 20 years. I am assigned to the Columbus Resident Agency, Cincinnati Division, where I have investigated violations of many State and Federal laws, including crimes of violence, kidnapping, drug trafficking, money laundering, public corruption and civil rights and crimes related to terrorism. Relative to this affidavit, I have been trained to investigate and have directed and participated in numerous drug trafficking and firearms investigations. Based upon the allegations in this affidavit, as well as my training, experience and my review of the evidence gathered by investigators assigned to this investigation, there is probable cause to believe that **Tomas Hailemariam** has committed violations of: 21 U.S.C. § 841(a)(1), Possession with the Intent to Distribute a Controlled Substance; 18 U.S.C. §§ 922(g)(1) and 924(a)(2), Possession of Firearms by a Convicted Felon; and 18 U.S.C. § 924(c), Possessing a Firearm in Furtherance of a Drug Trafficking Crime. Your affiant further submits, based upon the allegations in this affidavit, as well as my training, experience and my review of the evidence gathered by investigators assigned to this investigation, that there is probable cause to search the phones found in **Tomas Hailemariam's** possession for evidence of violations of 21 U.S.C. § 841(a)(1), and 18 U.S.C. §§ 922(g)(1), 924(a)(2) and 924(c).

**PURPOSE OF AFFIDAVIT**

2. The facts and information contained herein are based on my personal knowledge and experience, that of other law enforcement personnel, police reports, and other documents, as well as from persons with knowledge regarding the relevant facts and sources of information that have been proven reliable. This affidavit is intended to show only that there is sufficient probable cause for the requested complaint, arrest warrant and search warrants and does not set forth all of my knowledge about this matter. This affidavit is being submitted in support of:

- a. a criminal complaint against, and for the purpose of obtaining an arrest warrant for, **Tomas Hailemariam**, for violations of 21 U.S.C. § 841(a)(1), and 18 U.S.C. §§ 922(g)(1), 924(a)(2) and 924(c);
- b. obtaining a search warrant as to the above-noted statutes for the following cellular phones:
  - Motorola IMEI# 356611282969470
  - AT&T (blue) IMEI# 864862048287310
  - AT&T (flip) IMEI# 866099020855644

- Sprint Sanyo (flip) Model SCP-2400, FCC ID AEZSCP-24H

### PROBABLE CAUSE

3. In 2014, **Tomas Hailemariam** (hereinafter "**Hailemariam**") was convicted in the State of Ohio for attempted possession of drugs. In 2016 he was convicted in the State of Ohio for possession of drugs and was sentenced to serve four years community control with the condition that if he violated the terms of community control release, he could be sentenced to serve thirty-six months in the custody of the Ohio Department of Corrections. In 2017 he was convicted in the State of Ohio for possession of drugs. In December 2017, **Hailemariam's** community control status was revoked due to failure to appear for scheduled office visits with his probation officer, testing positive on multiple occasions for cocaine and once for opioids, for failing to appear for an administrative hearing, and for not meeting other conditions of community control release. The judge sentenced **Hailemariam** to serve 36 months in the custody of the Ohio Department of Rehabilitation and Corrections. Because **Hailemariam** was convicted of a crime punishable by imprisonment for a term exceeding one year, federal law prohibits him from possessing a firearm.

4. On or about December 29, 2021, at approximately 11:11pm, **Hailemariam** was encountered by Pataskala (Ohio) Police Department (PPD) at 180 Poff Drive, Apartment C, Pataskala, Ohio, located in the Southern District of Ohio. Officers responded to a trespassing complaint called in by the resident of Apartment C. The resident told officers that **Hailemariam** arrived by invitation approximately nine hours earlier that day, however at the time of her call to the police, **Hailemariam** had passed out on her couch from drug use. The resident told officers she was afraid to ask **Hailemariam** to leave because he had arrived that day with drugs and a firearm. The resident said she asked **Hailemariam** to remove the firearm from her residence, so **Hailemariam** took the gun out to his vehicle and placed the gun in or around the vehicle, or possibly up underneath the vehicle. The resident directed officers to a vehicle in the parking lot that she said was used by **Hailemariam**. The vehicle was a white Toyota Avalon bearing Ohio license plate FID 3945, VIN 4T1BK36B35U033535. The vehicle is registered to Lidiya Hailemariam.

5. Continuing in or around the night of December 29, 2021, after receiving permission from the resident, PPD officers entered 180 Poff Drive, Apartment C and found **Hailemariam** lying on the couch with a baggie containing white powder consistent with the appearance of cocaine in his hand. Also observed on the couch near **Hailemariam** was a flat piece of paper with white powder on it and a folded or creased dollar bill, consistent with drug use. Officers placed **Hailemariam** under arrest for drug possession. Once at the cruiser for transportation, officers searched **Hailemariam's** person and located another baggie with additional cocaine in his right front pants pocket. That baggie was seized by officers. The lab results are outlined below in paragraph #11.

6. After **Hailemariam** was placed in the cruiser officers went back into Apartment C to gather what appeared to be contraband in plain sight that was located on **Hailemariam's** person or within close proximity to where **Hailemariam** was found lying on the couch at the time of his arrest. The items seized were the baggie of white powder observed in **Hailemariam's** hand, the white paper and dollar bill with white residue, a black bag containing a

white powder, a plastic baggie containing white powder, numerous pills and green vegetation, and a Motorola cell phone bearing IMEI# 356611282969470. The lab results for the powder and pills are outlined below in paragraph #11.

7. After arriving at PPD, **Hailemariam** requested that officers who were still at 180 Poff Drive, Apartment C locate a pair of jeans for him. Officers located the jeans and upon bringing them to the station discovered a blue AT&T cell phone bearing IMEI# 864862048287310 in one of the pockets. The phone was placed in PPD property for safekeeping.

8. Continuing in or around the evening of December 29, 2021, a drug-detecting canine conducted an open air sniff around the white Toyota Avalon and positively alerted to the presence of the odor of narcotics. The Avalon was towed to PPD while officers obtained a search warrant for the vehicle in Licking County Municipal Court.

9. Continuing into in or around the morning hours of December 30, 2021, officers obtained and executed a search warrant on the white Toyota Avalon which had been relocated to PPD. From the outside of the vehicle, officers could see the license plate had been tampered with. Upon execution of the search warrant, they removed a loaded handgun which contained a round in the chamber from a secret compartment behind the license plate. Located within the passenger compartment and the trunk of the Avalon were, among other things, twenty large plastic bags containing green vegetation consistent with the appearance of marijuana. Each bag was the size of approximately a one-pound bag. The vegetation was sent to the Ohio Bureau of Criminal Investigation Laboratory for analysis. Also located inside the vehicle were seven firearms (in addition to the one secreted behind the license plate on the exterior of the vehicle). One of the firearms located within the vehicle was a rifle. All other firearms were handguns. All but one of the firearms were loaded. One firearm had a defaced serial number. Additionally, there was a high-capacity magazine located in the vehicle. All eight of the firearms were test fired by PPD and were found to be operable. Also located within the vehicle were four cylindrical tubes found to contain energetic material. The devices were rendered safe by bomb technicians and processed as evidence. They are being sent to the FBI Lab for DNA and latent fingerprint analysis, as well as further testing to determine chemistry and device and damage characterization.

10. During the search of the Toyota Avalon, officers located documents such as a State of Ohio identification card, court documents and a vehicle insurance card, all in the name of **Tomas Hailemariam**. Officers also located two cell phones – an AT&T flip phone with IMEI# 866099020855644 and a Sprint Sanyo flip phone Model SCP-2400, FCC ID AEZSCP-24H.

11. PPD sent items containing white powder and pills to the Central Ohio Regional Crime Lab for testing. The results of the testing revealed the items containing white powder tested positive for the presence of cocaine and totaled approximately 33.76 gross grams in weight. The pills found tested positive for the presence of Oxycodone and totaled approximately 10.84 gross grams in weight. Your affiant knows through training and experience that the above-described amounts of narcotics are likely consistent with narcotics trafficking, as opposed to mere personal use. Moreover, Your affiant knows from training and experience that the



amount of suspected marijuana found in **Hailemariam's** vehicle was consistent with being packaged for distribution

12. Investigation has shown **Hailemariam** is associated with a drug trafficking organization in the Central Ohio area that is suspected to be responsible for numerous crimes committed with firearms. Based upon the investigation, the organization is believed to traffic large quantities of marijuana, as well as cocaine, methamphetamine and pills. Your affiant knows through training and experience that narcotics traffickers often use cellular phones – as well as social media application found on such cellular phones – to facilitate their drug trafficking activities. Your affiant is further aware through training and experience that such cellular phones, including contacts, call histories, messages, emails, photographs, and any other communications, often contain evidence of narcotics trafficking, including additional participants in the narcotics trafficking, as well as historical information relating to the narcotics trafficking. Your affiant further knows through training and experience that people who traffic in drugs sometimes possess multiple phones – one phone is sometimes for non-drug related calls with friends and family, and one or more other phones are used for criminal activity, such as drug trafficking. The phone numbers used for criminal activity can be changed frequently to avoid detection by law enforcement, which provides further reason for narcotics traffickers to have multiple phones in furtherance of their drug trafficking. Relevant here, PPD located four phones associated with **Hailemariam**. One phone was located near **Hailemariam** at the time of his arrest, one was located in a pair of pants **Hailemariam** requested officers retrieve for him from Apartment C, and two additional phones were located in his vehicle. Below are the specific details regarding all four phones:

- Motorola IMEI# 356611282969470 (near body)
- AT&T (blue) IMEI# 864862048287310 (pants)
- AT&T (flip) IMEI# 866099020855644 (vehicle)
- Sprint Sanyo (flip) Model SCP-2400, FCC ID AEZSCP-24H (vehicle)

13. Your affiant also knows that large amounts of narcotics are sometimes found with firearms because the people who traffic narcotics use firearms to protect themselves from being robbed. Your affiant knows from training and experience that a loaded handgun hidden behind a license plate at the rear of a vehicle could be used against a law enforcement officer conducting a traffic stop. Officers will sometimes place the occupant of a vehicle at the rear of his or her vehicle and in front of the officer's vehicle so they can be watched while the officer returns to the cruiser to contact the radio room or conduct records checks. Your affiant believes **Hailemariam's** placing a loaded handgun in a secret hiding place at the rear of his vehicle posed a threat to an unsuspecting law enforcement officer.

14. Through training and experience, Your affiant is familiar with a firearm or firearms being co-located with large amounts of narcotics or narcotics proceeds, for the purpose of protecting the narcotics and/or the narcotics trafficker. In addition, the number of firearms found here, as well as the presence of explosive material, indicates that the firearms might have been possessed for more just the protection of a load of narcotics or proceeds from the sale of

narcotics. That is, Your affiant believes the presence of eight firearms and modified explosive material, along with his association with a violent drug trafficking organization, may be indicative of other criminal behavior or intentions. Your affiant knows through training and experience that people deface the serial numbers on firearms as a way to avoid law enforcement from determining the origin of the firearm or to prevent law enforcement from tracing a firearm that has been used in a crime, or both. Relevant here, **Hailemariam** possessed a firearm with a defaced serial number. Your affiant also knows through training and experience that high-capacity magazines are used by criminals seeking to do maximum damage to a target in a short amount of time. Members of the DTO **Hailemariam** is associated with are suspected to have committed gun crimes using a high volume of rounds being shot from handguns and rifles.

### CONCLUSION

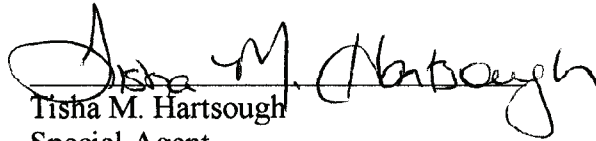
15. Based on the foregoing facts, Your affiant believes there is probable cause to search the below-listed cellular phones for evidence of violations of: 21 U.S.C. § 841(a)(1), Possession with the Intent to Distribute a Controlled Substance; 18 U.S.C. §§ 922(g)(1) and 924(a)(2), Possession of Firearms by a Convicted Felon; and 18 U.S.C. § 924(c), Possessing a Firearm in Furtherance of a Drug Trafficking Crime.

- Motorola IMEI# 356611282969470
- AT&T (blue) IMEI# 864862048287310
- AT&T (flip) IMEI# 866099020855644
- Sprint Sanyo (flip) Model SCP-2400, FCC ID AEZSCP-24H


16. Based on the foregoing facts, Your affiant believes there is probable cause for the arrest of **Tomas Hailemariam** for violations of: 21 U.S.C. § 841(a)(1), Possession with the Intent to Distribute a Controlled Substance; 18 U.S.C. §§ 922(g)(1) and 924(a)(2), Possession of Firearms by a Convicted Felon; and 18 U.S.C. § 924(c), Possessing a Firearm in Furtherance of a Drug Trafficking Crime.

I respectfully request that the warrant be issued.

Respectfully submitted,

  
Tisha M. Hartsough  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me this 9th day of May, 2022 at Columbus, Ohio.

  
Kimberly A. Johnson  
United States Magistrate Judge

